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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MARC SEGRE

Appeal 2007-3427
Application 09/779,306
Technology Center 2600

Decided: March 25, 2008

Before JOSEPH F. RUGGIERO, CARLA M. KRIVAK, and KARL D.
EASTHOM, *Administrative Patent Judges*.

KRIVAK, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant appeals under 35 U.S.C. § 134 (2002) from a final rejection of claims 1-3, 6, 7, 9, 13-15, and 18.¹ We have jurisdiction under 35 U.S.C. § 6(b) (2002).

We reverse.

STATEMENT OF CASE

¹ Claims 4, 5, 8, 10-12, 16, and 17 have been cancelled.

Appellant's claimed invention is an automatic switching device that enables a single set of input devices to be employed by a user when interacting with multiple data processing systems without requiring the user to manually switch the input device signals between the data processing systems (Spec. 1:7-15; Br. 2).

Claim 1, reproduced below, is representative of the subject matter on appeal.

1. A set of data processing systems operating utilizing a single set of input devices, comprising:

a single set of input devices including a pointing device;

at least two data processing systems sharing the single set of input devices, each data processing system having a logical display area logically arranged to have at least one boundary in common with a logical display area for another data processing system, wherein a pointer driven cursor controlled by the pointing device is located within a logical display area for an active data processing system receiving input signals from the single set of input devices; and

switching means including an input controller coupled to said single set of input device and to each of said at least two data processing systems, wherein said switching means, responsive to the active data processing system signaling movement of the cursor past a logical common boundary between two logical display areas, for automatically switching transmission of signals from the single set of input devices from the active data processing system to another data processing system corresponding to a logical display area sharing the logical common boundary with the logical display area for the active data processing system, wherein the other data processing system becomes the active data processing system.

REFERENCES

Grigor	US 6,473,101 B1	Oct. 29, 2002 (Filed Feb. 1, 1999)
Ku	US 6,266,236 B1	July 24, 2001 (Filed June 16, 1999)

The Examiner rejected claims 1, 2, 6, 7, and 13-15 under U.S.C. § 103(a) based upon the teachings of Grigor. The Examiner also rejected claims 3, 9, and 18 under U.S.C. § 103(a) based upon the teachings of Grigor and Ku. Appellant notes that the claims stand or fall together as a single group for purposes of this appeal (Br. 4), claim 1 being an exemplary claim (Br. 5).

Appellant contends that Grigor does not teach or suggest the switching means recited in the claims (Br. 6).

ISSUES

Whether the Examiner erred in rejecting claims 1, 2, 6, 7, and 13-15 as obvious to one of skill in the art under 35 U.S.C. § 103(a) over Grigor and claims 3, 9, and 18 over Grigor and Ku.

FINDINGS OF FACT

1. Appellant's invention teaches a set of data processing systems (104a-104n) and a method for operating them using a single input device (106) and an automatic switch (108) enabling the input device to be employed by a user when interacting with the multiple data processing systems (Spec. 1:11-15; Fig. 1).

2. The switching means automatically switches the transmission of signals from a single set of input devices from an active data processing system to another data processing system so that the other data processing system becomes the active data processing system (Spec. 10:8-13, Cl. 1).

3. The switching means includes an input controller such that the input controller and switch automatically select an "active" data processing system (Spec. 6:20-24; Cl. 1).

4. The switching means further includes a universal serial bus connection of the input device to each data processing system (Spec. 6:25-28; Spec. 10:19-24; Cl. 3).

5. Grigor teaches systems and methods that facilitate view panning for multiple display devices (col. 1, ll. 7-10). The multi-view panning system and method link a plurality of desktops into one larger desktop that may be navigated through the use of a position indicator over multiple display devices (col. 2, ll. 31-34). "This facilitates generation of a large virtual desktop over multiple displays from a single processing unit" (col. 2, ll. 53-55).

6. Grigor's multi-view panning apparatus (10) includes a processor (12) and a memory (14) (Fig. 1a; col. 2, ll. 59-65).

7. Figs. 2a and 2b of Grigor show that the processing unit defines the surface for a plurality of displays as a common block of memory that bounds all views of interest. The block of memory contains display data for displaying on the multiple displays (col. 4, ll. 26-31).

8. Ku teaches a keyboard and mouse that can be connected using a universal bus connection (USB) (col. 8, ll. 16-21; Fig. 1).

PRINCIPLES OF LAW

In rejecting claims under 35 U.S.C. § 103, it is incumbent upon the Examiner to establish a factual basis to support the legal conclusion of obviousness. *See In re Fine*, 837 F.2d 1071, 1073 (Fed. Cir. 1988). In so doing, the Examiner must make the factual determinations set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 17 (1966).

If the Examiner's burden is met, the burden then shifts to the Appellant to overcome the prima facie case with argument and/or evidence. Obviousness is then determined on the basis of the evidence as a whole and the relative persuasiveness of the arguments. *See In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992).

ANALYSIS

Regarding representative claim 1, the Examiner's rejection essentially finds that Grigor teaches every claimed feature except for the input controller of the switching means. The Examiner states that Grigor does not

explicitly teach the input controller, but that the multi-panning system along with the position indicator (60) and the control logic (62) function the same as Appellant's input controller (Ans. 5). Grigor teaches that the control logic (62) outputs control data (70) to a memory controller (72) based on a comparison of the position indicator within a given rectangular view and pan locking rectangle (col. 4, ll. 20-23). The requisite display data is then obtained by the controller (72) from the memory (14) and output to the appropriate display device (col. 4, ll. 23-25; FF 5, 6).

Appellant counters that the input controller/switch (108) of the invention automatically selects an "active" data processing system (Spec. 6:20-24, Cl. 1, FF 2). In contrast, the control logic of Grigor determines which of multiple display devices should be updated and then outputs control data indicating which display data to obtain from memory (FF 7). The display data output to the display devices does not constitute input device signals that switch between data processing systems (Br. 6). Thus, the control logic and memory controller of Grigor do not and cannot perform the switching of input device signals between an active data processing system and another data processing system as claimed by Appellant (Br. 6). We agree that Grigor does not teach or suggest Appellant's claimed "switching means" and/or "input controller."

Further, the Examiner states that Grigor teaches at least two processing systems in Fig. 1a; items 16 and 20, and items 18 and 22 (col. 2, l. 66 – col. 3, l. 2) (Ans. 4). However, items 16 and 20 and items 18 and 22 are first and second rectangular view generators and first and second pan

locking rectangular providers, respectively. Rather, Fig. 1a shows a single processor 12 and column 1, lines 9-65, states that Fig. 1a shows a multi-view panning apparatus 10 having a processor 12 and memory 14. The memory contains data to be displayed in at least first and second rectangular views on at least first and second display devices. Thus, whereas Grigor teaches facilitating multiple view panning in a common surface over multiple displays (col. 4, ll. 54-55; FF 5), Appellant's invention employs an input controller/switch that automatically switches input device signals between data processing systems in response to movement of a cursor past a common boundary of logical display areas associated with the data processing systems (Br. 4).

Since we have determined, in view of the above discussion, that the Examiner has not established a factual basis to support a legal conclusion of obviousness as required by *In re Fine, supra*, claims 1, 2, 6, 7, and 13-15 are not obvious over Grigor.

With respect to claims 3, 9, and 18, we have reviewed Ku which the Examiner applied to address the claimed feature of a universal serial bus (USB) connection of the single set of input devices to each data processing system. We find nothing in Ku's disclosure to overcome the above mentioned deficiencies of Grigor. In view of the above discussion, we are of the opinion that even if Grigor and Ku could be combined, they would not support a conclusion of obviousness.

CONCLUSION

We therefore conclude that the Examiner erred in rejecting claims 1-3, 6, 7, 9, 13-15, and 18 under 35 U.S.C. §103(a).

DECISION

The decision of the Examiner rejecting claims 1-3, 6, 7, 9, 13-15, and 18 is reversed.

REVERSED

gvw

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